

Remarks/Arguments

Claims 1-8 are pending in this application. . Please cancel claims 1-8 and add new claims 9-18. No new matter has been added and reconsideration of the application is respectfully requested.

Information Disclosure Statement

The Examiner has objected to the listing of references in the specification as not being a proper information disclosure statement. Applicant has thus prepared and is filing concurrently herewith Substitute for Form 1449/PTO properly listing the references originally listed in the specification.

Oath or Declaration

The oath or declaration is objected to by the Examiner. The Examiner contends that the oath or declaration is defective because it is not signed. Please be advised that a properly-executed Declaration was filed with the Response to Notification of Missing Requirements filed April 26, 2001. A copy of the signed Declaration is included herewith.

Specification

The specification is objected to by the Examiner for improper disclosure of amino acid sequences as required under CFR 1.821 through 1.825, Please be advised that a diskette and paper copy of the sequence listing was submitted in a Response to Notification of Missing Requirements under 35 USC 371 filed on August 29, 2001. A copy of the response is included herewith.

Response to Rejection of Claim under 35 USC 101

Claim 8 stands rejected under 35 USC 101 for failing to fall within a statutory class of invention. Claim 8 has been canceled, therefore this rejection is moot.

Response to Rejection of Claims under 35 USC 112, first and second paragraphs

Claims 1-8 stand rejected under 35 USC 112, second paragraph as vague and indefinite. Claim 1-8 have been cancelled. New claims 9-18 have been drafted in compliance with 35 USC 112, second paragraph.

Claims 1-7 stand rejected under 35 USC 112, first paragraph for failing to comply with the written description requirement. Claims 1-7 have been cancelled. New claims 9-18 have been drafted in compliance with 35 USC 112, first paragraph.

Response to Rejection of Claims under 35 USC 102

Claims 1-6 stand rejected under 35 USC 102(e) as being anticipated by Aitken, et al. The examiner states that Aitken teaches a purified protein having an amino acid sequence which appears to be identical to the claimed CaN subunit B. The Examiner further indicates that, although Aitken does not *per se* disclose the use of CaN subunit B as a pharmaceutical composition, the use of the composition to regulate the immune system or treat cancer is inherent.

The applicant respectfully disagrees with the position. Although Aitken does disclose a method of identifying CaN subunit B, nothing in the reference disclose or suggests using CaN subunit B in a pharmaceutical composition or in any treatment of disease in mammals. Accordingly, Aitken does not disclose each and every element of the present invention as required under 35 USC 102 (e). Therefore, Aitken does not anticipate the claimed invention and this rejection should properly be withdrawn.

Claims 1-6 and 8 stand rejected under 35 USC 102(e) as being anticipated by Hillman et al. The examiner states that Hillman discloses a novel phosphatase for use in the treatment of immunological disorders similar to the CaN subunit B and therefore anticipates the present invention.

The applicant respectfully disagrees with the examiner's position. Although Hillman discloses a phosphatase, it does not disclose CaN subunit B, nor its use as claimed in the present

invention. Since each and every element of the claimed invention are not disclosed or even suggested in Hillman, this reference does not anticipate the claims of the present invention under 35 USC 102(e). Therefore, this rejection should be withdrawn.

Conclusion

Claims 1-8 have been canceled. Applicant respectfully assert that new claims 9-18 are in compliance with 35 U.S.C. §§102 and 103. Accordingly, the application is in condition for allowance, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned at the telephone number appearing below should the Examiner have any questions regarding the prosecution of this application.

Respectfully submitted,



Lisa M. Gehrke
Reg. No. 38,888
lgehrke@gehrke-law.com

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GEHRKE & ASSOCIATES, S.C.
123 North 86th Street
Wauwatosa, WI 53226
414.774.0874 phone
414.774.4837 fax
www.gehrke-law.com